

REFRESHER ON STATE CR  
LEAGUE OF WOMEN VOTERS OF  
WASHINGTON



REFRESHER ON STATE CR: TO WORK FOR A STATE  
PERSONNEL SYSTEM BASED ON MERIT

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## I. FIRST AID FOR UNIT DISCUSSION OF MERIT SYSTEM

### Purpose of Unit Meeting

To bring us up to date on developments in merit systems for Washington.

To acquaint us further with the principles of state merit systems.

### Materials

LWW Refresher on Merit C.R., November, 1959 7¢ each

LWW Voter, October and December, 1959

LWW Memo No. 1, "Reorganization of the Administrative Branch of State Government". (Limited number in State Office) Your publications Chairman or members of longstanding may have these.

A Model Civil Service Law, National Municipal League, 47 East 68th Street New York 21, N. Y. 75¢ each, or in your files or local library.

LWW, Analysis of Bills to be Proposed to 1955 Legislature, October, 1954, out of print, but useful if you have it in your files.

Clippings on civil service action at any level of government and about both, not just one, of the state employee groups, from your local papers.

### Questions to Stimulate Discussion

#### POLITICAL ACTIVITY

To what extent should political activities of state employees be prohibited? Belonging to a party? Contributing to a party? Being an official of a party? Running for office? Campaigning for candidates? Campaigning for issues? Being canvassed for contributions for a candidate?

#### FIRING INCOMPETENTS

How can you assure firing of incompetents from government? How assure advancement on merit? How attract the best employees?

#### GOVERNMENT DIFFERENT FROM BUSINESS

Does government actually need personnel methods different from those which work best for business, such as protection of job tenure, an appeals procedure for firing, a policy making board or others?

#### OPEN OR CLOSED BACK DOOR

Should a civil service Board, after hearing the appeal of a fired employee, have power to return him to his job (closed back door); or only to recommend his return (open back door)?

#### APPOINTMENTS

Who should appoint the state director of personnel? The governor? The Personnel Board?

#### EXEMPTIONS

How many positions should be exempt as "policy determining"? Agency heads? Assistants? Private Secretaries? Should any departments be exempted? Employees in agencies headed by elected officials?

#### EMPLOYEE PARTICIPATION IN ADMINISTRATION

To what extent and in what areas should employees have a voice? Wage scales? Hours of work? Safety? Should the law set up machinery for consulting with employees? Should rules do it? Should representation be from an organized group? More than one? How else?

## II. LWW POSITION ON MERIT SYSTEM

CR: TO WORK FOR A STATE PERSONNEL SYSTEM BASED ON MERIT.

"In order to have a workable civil service law, or constitutional amendment, it should contain only the broad policies of modern personnel management, the necessary safeguards against political manipulation and assurance of adequate financing."  
LWW Memo No. 1, 1954.

### Yardsticks

- |                               |   |
|-------------------------------|---|
| BOARD                         | 1. A Board or Commission should be appointed to represent the general public interest rather than a special interest or party.  |
| DIRECTOR                      | 2. A personnel department with a qualified director should be established.  |
| RULES                         | 3. Rules and regulations for the operation of the system must be prepared by the director for adoption by the Board. They should reflect good personnel practices and procedures, such as advancement on merit, dismissal of incompetents, and working conditions and pay rates to attract competent employees. |
| EXEMPTIONS                    | 4. Positions which are primarily policy determining should be excluded.   |
| BLANKETING IN<br>& DISMISSALS | 5. Employees should be blanketed in except those most recently employed who must pass qualifying exams. Rules must permit dismissal of incompetent or unqualified employees.  |
| FINANCING                     | 6. Financing provisions for personnel operations should be specified.   |
| MODEL                         | 7. The Model Civil Service Law should be used in evaluating proposals when more detailed guidance is needed.  |

### Amplification of Yardsticks

**BOARD & DIRECTOR**      Structure and Functions: The Model law and the 1955 Legislative Bill, analyzed and supported by the LWW while the item was still on the Current Agenda, represent an effort to combine the best features of the two extreme systems of multi-member control on the one hand, and of a single administrative head on the other, and to eliminate the disadvantages of each.

The Model Law recommends a Board or Commission as "watchdog of the merit system" and as promoter of "progressive programs in the state service". Both the Model and the 1955 Bill clearly define the functions of the Board as appellate and promotional; both relieve the Board of administrative duties. The Director "shall have the force of law if not disapproved by the Commission within thirty days..." The 1955 bill was similar except for rules on dismissals. Both the Model Law and the 1955 Bill set up a personnel department headed by a director on a par with other state departments.

Selection and Tenure: The Model Law and the 1955 Bill differ slightly but are both based on the premise that "Experience has proven that administration of a personnel program.... depends in large measure on the sympathetic support the chief executive gives the merit system administration. The quality of the commissioners and director generally reflects the executive's attitude toward sound personnel management."  
(Model Law)

Amplification (Cont'd.)

The Model Law provides that the governor appoint the Commission and then the Director on the Commission's recommendation, but permits the Commission to remove the Director for cause. Both the Commission members and the Director are to be "in sympathy with the application of merit principles." In addition, the Director must be "experienced in the field of personnel administration". To make the Commission as nonpartisan (not just bipartisan) as possible, members may not hold or run for party or public office and are appointed for overlapping six-year terms.

The 1955 Bill provides a bipartisan Board with a representative of labor appointed by the governor for overlapping six-year terms. The Director would be appointed by the Board after passing a qualifying exam and could be dismissed by the Board.

**RULES** Both the Model Law and the 1955 Bill specify that the director prepare rules that have the force of law within a certain time unless the Board changes them. This method gives support to the rules by the Board, prevents a Director from becoming a dictator, allows flexibility in keeping current with progressive personnel practices, and removes the process from pressure of special interests in the legislature.

The main difference is that the 1955 Bill has the Board, not the Director, formulate the rules governing dismissal, suspensions and demotion. Both drafts list all the areas to be covered by the rules: classification plan, pay plan, open competitive exams, promotions, eligible lists, rejection of candidates, appointment of person from three highest on list (rule of three) probationary period not over one year, emergency and provisional employment, transfer, reinstatement, performance records, lay-offs, discipline, discharge or demotion, employee grievances, employee relations such as in-service training, recreation, health, safety and any others needed.

**EXEMPTIONS** The 1955 Bill followed the provisions of the Model Law except for assistant attorneys general who were exempted. (See p. 25 of LWV Memo No. 1) The 1955 Bill also included a provision that the Board could exempt additional position of a confidential or policy-making nature, which is unusual.

**BLANKETING IN & DISMISSALS** The Model Law recommends requiring a qualifying exam for employees with less than one year's tenure. The 1955 bill had a two-year provision. "The purpose of this provision is to find a method least disruptive to the public service, consistent with the public interest and the merit principle. It is also aimed at avoiding a mass qualifying load on the new agency at a time when its work on classification and pay plans and establishing a good recruiting and examining program to fill new vacancies would be heaviest." (LWV Analysis of 1955 Bill)

On Dismissals the Model Law recommends that the Board hold hearings in accordance with rules adopted but that the appointing authority make the final decision on the appeal (open back door) unless the dismissal, demotion or suspension was made for religious, racial or political reasons in which case the Board has the final authority. If the supervisor does not reinstate the employee on the advice of the Board, the Board may permit the employee to take a job in another department. The 1955 Bill, however, provided that the Board would have the final authority on a dismissal or discipline action (closed back door).

**FINANCING** The Model Law recommends that the law should "impose the positive duty upon the appropriating and budgetary authorities to see that the department is adequately financed". The LWV Analysis of the 1955 Bill states that the amount of \$900,000 suggested by the Shefelman Committee for the first 2 years of operation (heavier than other years) "looks about right". This proposal also "limited expenditures to not more than 1 percent of the total payroll of the agencies covered, a figure

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### III. MERIT STATUS OF PRESENT EMPLOYEES

There are three separate merit or civil service systems presently operating in the state government. They vary considerably in coverage, administration, scope, and legal base. One operates in the highway department, one in part of the state patrol, and a third in seven agencies whose personnel functions are covered by the Personnel Board.

The law governing the merit system in the highway department directs the Highway Commission, which is appointed by the governor, to establish a personnel system for the department. The Commission has set up a merit system Board to be composed of members representing engineering, maintenance, shop and clerical employees. This Board makes the rules that govern the personnel system, subject to approval by the Highway Commission, and hears appeals. The director of highways appoints the personnel director who in turn administers the rules.

The merit system in the state patrol is also set up by statute. It applies only to officers and covers mainly promotion after examinations, a retirement system and dismissal and disciplinary procedures. It is summed up in the following paragraph from the statute: "The chief (appointed by the governor) shall appoint a sufficient number of competent persons to act as Washington state patrol officers, may remove them for cause, as provided in this chapter and shall make promotional appointments, determine their compensation, and define their rank and duties, as hereinafter provide

The Personnel Board was originally set up by state law to provide a merit system so that certain agencies such as public assistance and employment security could comply with federal regulations in order to receive matching funds. From time to time other departments have been placed under the Personnel Board, removed, and then put back again by executive order. Some, such as the department of institutions and the Board of Prison Terms and Paroles have been included by statute. The merit system standards and operating procedures of the Personnel Board have to meet federal requirements because of the agencies continuing to receive federal funds.

The statistical summary of state employees below indicates the departments that operate under some kind of a merit system at present, and those that do not. All employees in departments with merit systems are not covered by the merit provisions, nor would all employees in departments now operating without merit systems be covered under any proposed general law.

#### NUMBER OF STATE EMPLOYEES AS OF JUNE, 1958

<u>Employees in</u>		<u>Employees in</u>	
<u>Personnel Board Merit System Depts.</u>		<u>Nonmerit System Departments and Agencies</u>	
Institutions	5,069	Elective Departments	1,664
Public Assistance	1,478	Executive Departments	5,535
Employment Security	1,066	Institutions of Higher Learning	5,143
Fisheries	391	Legislative	168
Health	222	Judicial	33
Bd. of Prison Terms and Paroles	70		
Personnel Board	29		
Sub Total	8,325		
<u>Separate Merit System Depts.</u>			
Highways	3,257		
State Patrol	708*		
Sub Total	3,965	Sub Total	12,543
Total	12,290	Total	12,543

Grand Total - All State Employees, including Governor 24,833

\* The merit system does not apply to 363 of these employees

#### IV. TWO INITIATIVES - A PRELIMINARY GLANCE

Two initiatives to establish a civil service system for state employees are presently being proposed. Both proposals are in tentative draft form and many changes may be expected before the filing date of January 8, 1960.

##### Two Employee Groups Proposing Civil Service

One initiative is sponsored by the Washington Federation of State Employees, AFL-CIO whose executive secretary, Norm Schut, states that their membership is slightly in excess of 5,000 and that an additional 2,000 state employees are members of several other AFL-CIO unions.

The other initiative is sponsored by the Washington State Employees Association whose General Manager, Forrest Stewart, states that their membership is 1,500 state employees.

##### Some General Similarities of the Initiatives

There are certain similarities in the two bills. Both would establish a civil service Board appointed by the governor and a personnel department headed by a Director also appointed by the governor. Both bills provide that the director prepare rules for adoption by the Board. Both provide for financing the activities of the Commission and of the personnel department, although the methods are different. Both bills provide almost complete "blanketing-in" of all state employees. Both provide for appointment of one of the three highest on eligible lists (Rule of three).

##### Some of the Differences

Back Door or Dismissal and Discipline In the Federation Bill: after hearing an appeal from an employee who has been discharged, suspended or demoted, the Commission would have final authority in the disposition of the case (closed back door) except in certain instances in which the employee would have the right of appeal to the superior courts.

The Association Bill would give the Commission an advisory function in the case of an appeal, leaving the final decision up to the supervisor (open back door) unless the dismissal was for political, racial or religious reasons in which case the Commission must reinstate the employee.

Coverage and Exemptions Both generally exclude policy determining officials as well as judges, academic personnel of institutions of higher learning, members of the legislature and the uniformed personnel of the state patrol.

The Federation Bill excludes personnel in agencies headed by elected officials and requires that institutions of higher learning establish a personnel Board and system of their own for nonacademic personnel. It also requires the Highway Department to set up a civil service Board of three qualified members who are not state employees, appointed by the state Highway Commission. The Association Bill includes the Highway Department and agencies headed by elective officials but excludes nonacademic personnel and state printers.

Political Activities The Federation Bill in general allows state employees a greater degree of political activity than does the Association Bill. Both bills provide that employees shall not be forced to contribute to a political party or candidate.

Among Others: The two bills differ in the specification of areas that rules are to cover, means of inaugurating the new system, employee participation and other areas.